

FILED

NOT FOR PUBLICATION

DEC 18 2003

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON
U.S. COURT OF APPEALS**

**APPLIED COMPANIES, a California
corporation,**

Plaintiff - Appellant,

v.

**LOCKHEED MARTIN LIBRASCOPE, a
business entity; LOCKHEED MARTIN
FEDERAL SYSTEMS,**

Defendants - Appellees.

No. 02-56610

D.C. No. CV-97-07842-R

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Argued and Submitted December 5, 2003
Pasadena, California

Before: **BEEZER** and **KOZINSKI**, Circuit Judges, and **SCHWARZER**,
Senior District Judge.**

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The Honorable William W Schwarzer, Senior United States District Judge for the Northern District of California, sitting by designation.

Federal law governs issues of prejudgment interest in federal question cases such as this. United States v. Pend Oreille Pub. Util. Dist. No. 1, 28 F.3d 1544, 1553 (9th Cir. 1994).

The district court did not abuse its discretion, see Burgess v. Premier Corp., 727 F.2d 826, 838 (9th Cir. 1984), by denying interest for the time preceding entry of the original judgment.

Nor did the district court err by denying interest for the period between entry of the original judgment and entry of the postremand judgment, as there was no provision for such interest in this court's mandate. See Briggs v. Pa. R.R. Co., 334 U.S. 304, 306 (1948).

The district court did not err by setting postjudgment interest at the federal rate for the period beginning after entry of the postremand judgment, August 21, 2002, until the remaining balance of the judgment, \$447,897.25 plus costs, was paid. See 28 U.S.C. § 1961.

AFFIRMED.